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BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

IN THE MATTER OF THE DENIAL OF THE
APPLICATION FOR PERMIT TRANSFER OF
HIAWATHA COAL COMPANY, INC. FOR THE
BEAR CANYON MINE C/015/0025,
TASK ID #3215 BY THE DIVISION OF OIL,
GAS AND MINING DATED APRIL 2, 2009.

DOCKET NO. 2009-007 CAUSE NO. C/015/025B

TAKEN AT: Department of Natural Resources
1594 West North Temple, Room 1040
Salt Lake City, Utah

DATE: Wednesday, January 27, 2010

TIME: 9:34 a.m. to 9:37 a.m.

REPORTED BY: Michelle Mallonee, RPR

[2]

APPEARANCES

BOARD OF OIL, GAS AND MINING:

Douglas E. Johnson, Chairman
Ruland J. Gill, Jr.
Jake Y. Harouny
James T. Jensen
Kelly L. Payne
Samuel C. Quigley
Jean Semborski

DIVISION OF OIL, GAS AND MINING:

John R. Baza, Director
Dana Dean, Associate Director, Mining
Gil Hunt, Associate Director, Oil and Gas
Steve Schneider, Administrative Policy Coordinator
Julie Ann Carter, Secretary to the Board

ASSISTANT ATTORNEYS GENERAL:

Steven F. Alder - Division Attorney
Fred Donaldson - Division Attorney
Michael S. Johnson - Board Attorney
Stephen Schwendiman - Board Attorney
Megan Depaulis - Board Attorney

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1 Docket No. 2009-007 Cause No. C/015/025B

2 Wednesday, January 27, 2010

3 (The proceedings began at 9:34 a.m.)

4 CHAIRMAN JOHNSON: Our next item is Docket
5 2007-007 Cause No. C/015/025B - In the Matter of the
6 Denial of the Application for Permit Transfer of Hiawatha
7 Coal Company, Inc., for the Bear Canyon Mine C/015/0025,
8 Task ID #3215, By the Division of Oil, Gas and Mining,
9 Dated April 2, 2009.

10 Mr. Alder, you are representing the Division in
11 this matter?

12 MR. ALDER: Yes. And I believe we filed a
13 Motion to Continue.

14 CHAIRMAN JOHNSON: Yes. And I believe that
15 motion has been granted.

16 MR. ALDER: Okay.

17 CHAIRMAN JOHNSON: So this item will continue, I
18 believe it's to the February 24 Board hearing. Is that
19 correct?

20 MS. CARTER: Yes.

21 MR. JENSEN: Mr. Chairman, I have a question of
22 Mr. Alder, and this is just a procedural question.

23 Is there a -- if I can get his attention.

24 MR. ALDER: Oh, I couldn't see where the voice
25 was coming. I didn't recognize your voice. Sorry,

[4]

1 Mr. Jensen.

2 MR. JENSEN: Mr. Alder, my question is this has
3 been continued a number of times. And I'm aware of that
4 this matter is being litigated over in the bankruptcy
5 court. And I'm certain you've been following it. And it
6 seems to me that there are lots of motions and things
7 going on.

8 My question is -- and I recognize an Order has
9 been issued that takes us to next month -- but if this
10 matter is going to continue, is it appropriate to simply
11 continue it without date?

12 MR. ALDER: The reason that historically we
13 haven't continued matters without date is to avoid the
14 expense and the trouble of re-noticing and republishing
15 Notice and sending it to all the parties. And it was
16 felt in this case that the people who were involved
17 pretty well know what's going on, and they're properly
18 advised by the continuance. And that's the only reason.

19 And I apologize for the continued delay. I can
20 assure you that we thought this would be resolved, at the
21 latest, last December.

22 MR. JENSEN: I think we recognize it's not
23 within your control.

24 MR. ALDER: I think this will be the last time
25 it's continued. And so we'll consider maybe doing it

[5]

1 differently next time.

2 MR. JENSEN: Thank you.

3 MR. ALDER: Thank you.

4 CHAIRMAN JOHNSON: Okay. Our last docketed
5 item, we have four parties involved in that and they are
6 conferring at this time. So we're going to take a short
7 break to allow them to finish up their discussions and
8 allow them to set up. And we will reconvene as soon as
9 practical when the parties are ready to move forward.
10 Thank you very much. We'll take a short break.

11 (The proceedings concluded at 9:37 a.m.)
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